

EXECUTIVE OFFICER SUMMARY REPORT
February 11, 2015

- ITEM: 9
- SUBJECT: A Resolution in Support of Funding Projects that Further the Practical Vision Priorities with Consideration to Environmental Justice and Disadvantaged Communities and the Recovery of Streams, Wetlands and Riparian Systems (Tentative Resolution No. R9-2015-0020). (*Chiara Clemente*)
- PURPOSE: To receive public testimony and consider adoption of Tentative Resolution No. R9-2015-0020
- RECOMMENDATION: Adoption of Tentative Resolution No. R9-2015-0020 is recommended.
- KEY ISSUES: The Resolution identifies the San Diego Water Board's funding priorities and directs staff resources to develop procedures and partnerships to implement priority projects, as identified in the Resolution.
- PRACTICAL VISION: This action advances the Practical Vision (PV) by prioritizing certain PV projects for discretionary funding opportunities; particularly projects aimed at the recovery of stream, wetlands, and riparian systems (i.e. PV Chapter 3) and projects benefiting disadvantaged communities (DACs). This action also implements proactive public outreach and communication (PV Chapter 4) by directing staff to work with other entities to jointly develop and support water quality projects identified above. In so doing, this action advances the San Diego Water Board values of:
- Leadership: by providing a proactive approach to soliciting and funding high priority water quality projects within the San Diego Region.
- Transparency: by making known the types of projects that the San Diego Water Board seeks to endorse.

Communication: by working with outside entities to develop a process that will support water quality projects that are of mutual benefit to the Board and the proponents.

DISCUSSION:

The San Diego Water Board can use funds generated by the assessment of civil liability penalties to implement selected qualifying water quality projects in two ways. The San Diego Water Board can approve discharger-proposed projects known as supplemental environmental projects (SEPs), or it can request funds for a project from the State Water Board's Cleanup and Abatement Account (CAA) which is funded primarily by civil liability assessments.

SEPs: When civil liabilities are assessed, a regional water board may suspend up to fifty percent of the liability when the discharger proposes to spend that money to implement a qualifying SEP. Both the prosecution staff and the dischargers could benefit from additional guidance on what types of qualifying SEPs the Board would support. The process and eligibility criteria for SEPs are identified in the State Water Board's [SEP Policy](#) and [Enforcement Policy](#).

CAA: Independent of a penalty assessment, a water board can request or support funding for individual qualifying projects from the State Water Board's CAA. CAA projects must follow the process and priorities identified in Water Code sections 3440-13443 and the Administrative Procedures Manual Chapter 4.4, available on State Water Board's Division of Financial Assistance [\(DFA\) website](#).

This Tentative Resolution clarifies the San Diego Water Board's support for development and implementation of qualifying projects that address Environmental Justice (EJ) issues, DACs, and/or the recovery of stream, wetland, and riparian systems.

Many DACs lack the resources and in-house expertise necessary to apply for financial assistance to help make water quality improvement projects more feasible, and they often do not have the technical expertise to determine the best project alternative or to appropriately plan and manage long-term operations and maintenance needs. As a result, water quality improvement projects in DACs tend to be underrepresented among the projects awarded financial assistance.

This Tentative Resolution directs the Executive Officer to work with potential public or private entities to develop procedures and partnerships to help create, fund, and implement projects that address EJ issues, DACs, and/or the recovery of stream, wetland, and riparian systems.

If adopted, staff will report back to the San Diego Water Board periodically on the status of CAA requests and SEPs as they relate to the attainment of goals of the Practical Vision.

LEGAL CONCERNS:

None.

SUPPORTING DOCUMENTS:

1. Tentative Resolution No. R9-2015-0020

PUBLIC NOTICE:

Notice was provided in the agenda for the February 11, 2015 Board Meeting, which was posted on the San Diego Water Board's website on January 22, 2015.

A copy of the Tentative Resolution was also posted on the Agenda website on January 29, 2015.